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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,059	06/27/2003	Chen Shih-Tsung	23724-07831	6868
758	7590	12/11/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			DATSKOVSKIY, MICHAIL V	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/609,059	SHIH-TSUNG, CHEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael V. Datskovskiy	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
12/09/05;10/24/05;05/09/05;10/29/04.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 5, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (US Patent 6,611,999).

Hsu teaches a CPU cooling assembly, Figs. 1-8, for cooling a CPU "C" installed in a CPU frame "A", the CPU frame having a plurality of engaging juts A1 extending outward from opposite lateral sides of the CPU frame, the CPU cooling assembly comprising: a heat sink "B" having a plurality of spaced apart cooling fins at an upper portion thereof for dissipating heat, the heat sink "B" further including a positioning groove; and a retainer 1 including opposing engaging plates 12 coupled by a connecting bar 11, the connecting bar 11 corresponding to the positioning groove of the heat sink so that the connecting bar is received within the positioning groove when the retainer is placed over the heat sink "B" and engaged with the CPU frame "A", the engaging plates 12 of the retainer 1 having a plurality of engaging holes 121 that correspond to the engaging juts A1 of the CPU frame "A" or engaging therewith. Hsu teaches furthermore the CPU cooling assembly of claim 1, wherein the connecting bar 11 inclines downward towards

a position between the engaging plates 12, the connecting bar pressing against the heat sink when the cooling assembly is installed, said CPU cooling assembly of claim 1, wherein the heat sink includes a plurality of positioning grooves (see Fig. 7), each positioning groove corresponding to an opposing pair of engaging juts on a CPU frame "A". 5. Hsu also teaches the CPU cooling assembly of claim 1, wherein the retainer 1 further includes a turn plate 13 attached to an engaging plate 12, wherein the engaging plate 12 can be turned to engage or disengage with engaging juts A1 by activation of the turn plate 13. Regarding to the claim 6: It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Lo et al (US Patent 6,311,765).

Hsu teaches all the limitations of the claim except said CPU cooling assembly of claim 1, further comprising a restraining element, wherein the heat sink further includes a holding groove for accommodating the restraining element and substantially

perpendicular to the positioning groove, the restraining element compressible to be inserted into the holding groove, thereby securing the retainer to the heat sink.

Lo et al teach a CPU cooling assembly, Figs. 1-2, for cooling a CPU 24 installed in a CPU frame 10, the CPU frame 10 having a plurality of engaging juts 14 extending outward from opposite lateral sides of the CPU frame, the CPU cooling assembly comprising: a heat sink 30 having a plurality of spaced apart cooling fins 34 at an upper portion thereof for dissipating heat, the heat sink 30 further including a positioning groove 36; and a retainer 60 including opposing engaging plates 62 coupled by a connecting bar 66, the connecting bar 66 corresponding to the positioning groove 36 of the heat sink 30 so that the connecting bar is received within the positioning groove when the retainer 60 is placed over the heat sink 30 and engaged with the CPU frame 10, the engaging plates 62 of the retainer 60 having a plurality of engaging holes 64 that correspond to the engaging juts 14 of the CPU frame 10 or engaging therewith. Lo et al teach furthermore the CPU cooling assembly of claim 1, wherein the connecting bar 66 inclines downward towards a position between the engaging plates 62, the connecting bar pressing against the heat sink 30 when the cooling assembly is installed. Lo et al teach furthermore said CPU cooling assembly of claim 1, further comprising a restraining element 70, wherein the heat sink 30 further includes a holding groove 38 for accommodating the restraining element 70 and substantially perpendicular to the positioning groove 36, the restraining element 70 compressible to be inserted into the holding groove, thereby securing the retainer 60 to the heat sink 30. It would have been obvious to one having ordinary skill in the art at the time invention was to employ the

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restraining element located in the groove perpendicular to the positioning groove, as it is disclosed by Lo et al in the device by Hsu, in order to secure the retainer to the heat sink.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bright et al (US Patent 6,816,376); Lai (US Patent 6,381,813); Bright et al (US Patent 5,241,453) and Blomquist (US Patent 5,208,731), each being applicable for the rejection of the at least claims 1, 2, 3 and 6 of the current application.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

12/05/2006